



accepted unless the district judge, in his de novo review, finds reason to question the magistrate's assessment of the evidence." *Blizzard v. Quillen*, 579 F.Supp. 1446, 1449 (D.Del. 1984); see also *Buckley v. McGraw-Hill, Inc.*, 762 F.Supp. 430, 435 (D.N.H. 1991).

After reviewing the record and reading the transcript of the evidentiary hearing, the court makes an independent factual determination and agrees with the Magistrate Judge's credibility assessments.

The court finds no reason to question the findings of the Magistrate Judge or to order a new evidentiary hearing to take additional evidence. See *United States v. Veteto*, 701 F.2d 136, 140 (11th Cir. 1983), cert. denied, *Wescott v. U.S.*, 463 U.S. 1212, 103 S.Ct. 3548 (1983) <sup>2</sup>; *United States v. Cofield*, 2001WL1422144 (11th Cir. 2001).<sup>3</sup>

The court agrees with the Magistrate Judge's factual determination that this was not a traffic stop, but that the firearms came into plain view while the trooper was attempting to find the fuel cut-off valve to assist in starting the vehicle. That being the case, there is no issue of standing. Furthermore, there being no search, there was no unlawful seizure.

The evidence fully justified the Magistrate Judge's factual findings and legal determinations, and there is no merit to the objection. Therefore,

It is hereby ORDERED as follows:

1. The Objection is OVERRULED.

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<sup>2</sup> "If the district court concurs with the magistrate's recommendation, it need not hold another evidentiary hearing, even where the credibility of certain witnesses might be an important factor in making the determination." *Id.*

<sup>3</sup> "In *United States v. Raddatz* (citation omitted), the Supreme Court held that a district court is not required to rehear witness testimony when accepting a magistrate judge's credibility findings."

2. The court ADOPTS the Recommendation of the Magistrate Judge.
3. Defendant's Motion to Suppress is DENIED.

DONE this 10th day of July, 2007.

/s/ W. Harold Albritton

W. HAROLD ALBRITTON  
SENIOR UNITED STATES DISTRICT JUDGE